

REMARKS

The present application was filed on November 20, 2003 with claims 1-19.

In the final Office Action, the Examiner: (i) rejected claims 1-3, 5-10, 12 and 15-19 under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent No. 6,526,392 to Dietrich et al. (hereinafter “Dietrich”); and (ii) rejected claims 4, 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Dietrich.

In this response, Applicants have amended independent claims 1, 17 and 18 and canceled independent claim 19 without prejudice.

While Applicants believe that the claims, in their form prior to the present amendment, were patentable over Dietrich, Applicants have nonetheless amended the independent claims solely in an effort to move the case through to allowance.

Amended claim 1 now recites a method of managing one or more computing resources, the method comprising the steps of: obtaining data associated with at least one potential demand for use of the one or more computing resources; generating a management model in accordance with at least a portion of the obtained data, wherein the management model is operative to determine an allocation of the one or more computing resources based on combinations of price levels and service levels that may be offered to one or more users of the one or more computing resources so as to attempt to satisfy at least one management goal, wherein the combinations are determined by computing a set of prices and a set of service levels to offer to the one or more users at each one of the prices in the set of prices, and wherein the set of prices and the set of service levels are derived from: (i) levels associated with the one or more computing resources; (ii) historical demand data; and (iii) predicted demand data; evaluating the satisfaction of the management goal for each combination associated with the management model; determining an optimal configuration of the one or more computing resources, in accordance with the management model, that maximizes the management goal, wherein the optimal configuration is determined by solving the management model using one of a linear programming solver and a nonlinear programming solver, and controlling a usage load level of the one or more computing resources by modulating combinations of price levels and service levels offered to the one or more users of the one or more computing

resources (added language underlined for emphasis). Support for the present amendments may be found through the specification including, for example, at page 6, lines 24-27. Similar amendments have been made to independent claims 17 and 18.

Regarding both the §102(a) and §103(a) rejections based on Dietrich, it is asserted that the reference fails to recite each and every limitation of the amended independent claims.

As the abstract explains, Dietrich discloses a computer implemented method pertinent to yield managed service contract pricing. The method comprises the steps of inputting first information comprising a baseline profiling services contracted to zero or more existing customers; inputting second information comprising a profile of the services to be contracted to one or more new customers; and analyzing second information in the context of first information for the purpose of determining a range of prices to be considered for the services to be contracted. Dietrich also refers to “a service network model or other costing method” at column 2, lines 57-60.

However, no where does Dietrich disclose generating a management model operative to determine an allocation of the one or more computing resources based on combinations of price levels and service levels that may be offered to one or more users of the one or more computing resources. That is, Dietrich never mentions or suggests computing any such price-service combination offerings, and generating a model there from.

Furthermore, no where does Dietrich mention or suggest controlling a usage load level of the one or more computing resources by modulating combinations of price levels and service levels offered to the one or more users of the one or more computing resources, as is now recited in the independent claims. In contrast, by controlling a usage load level of the one or more computing resources by modulating combinations of price levels and service levels offered to the one or more users of the one or more computing resources, a system of the claimed invention can incite users (e.g., customers) to shift their usage behavior through targeting pricing and service offering modulation.

For at least the above reasons, Applicants assert that independent claims 1, 17 and 18 are patentable over Dietrich.

Applicants also assert that dependent claims 2-10 and 12-16 are patentable over the reference not only for the reasons given above, but also because one or more of said dependent claims recite separately patentable subject matter in their own right.

In view of the above, Applicants believe that claims 1-10 and 12-18 are in condition for allowance, and respectfully request withdrawal of the §102(a) and §103(a) rejections.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written over the printed name.

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